

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PHYLLIS H. MCGUIRE, et al.,

Plaintiffs,

Civil Action No.  
08-CV-12715

vs.

ZVONIMIR MATIJEVIC, et al.,

PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Defendants.

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**ORDER REQUIRING RE-BRIEFING OF DEFENDANTS' MOTION FOR SUMMARY  
JUDGMENT IN LIGHT OF NEWLY-ADMITTED EVIDENCE**

This is a negligence case arising out of an automobile accident. Plaintiffs are Phyllis McGuire ("McGuire") and her husband, Oscar McGuire ("Oscar"). Defendants are Zvonimir Matijevic and his employer, AFTIM 2000, Ltd. ("AFTIM") (collectively, "Defendants"). On June 1, 2007, McGuire's Chevy Blazer was sideswiped by a truck driven by Matijevic, in the course of his employment with AFTIM, as the two were making simultaneous left-hand turns in adjacent left-hand turn lanes. McGuire claims that she suffered a "serious impairment of a body function" under Mich. Comp. Laws § 500.3135(1), thereby entitling her to relief under Michigan's no-fault laws; Defendants, in their Motion for Summary Judgment, argue the opposite.

Defendants filed a Motion for Summary Judgment on January 27, 2010. The Court heard oral argument on March 31, 2010. The motion was taken under advisement by the Court and currently remains pending.

After the conclusion of the briefing on Defendants' Motion for Summary Judgment,

Defendants filed a “Motion for Permission to Submit Additional Exhibits in Support of Their Motion for Summary Judgment,” which was granted by the Court on April 2, 2010, two days after oral argument.

No objection was filed by McGuire to admission of these medical documents. The newly-admitted documents evidence McGuire’s extensive pre-collision medical history. The Court believes that these documents are relevant to the analysis under *Kreiner v. Fischer*, 471 Mich. 109 (2004), inasmuch as *Kreiner* requires the Court to compare McGuire’s pre- and post-collision lifestyles.

Accordingly, the parties shall file supplemental briefs discussing these documents insofar as they impact Defendants’ Motion for Summary Judgment. Defendants’ brief, not to exceed 15 pages in length, is due on April 30, 2010; McGuire’s response brief, not to exceed 15 pages in length, is due on May 14, 2010; Defendants’ reply brief, not to exceed five pages in length, is due on May 21, 2010.

SO ORDERED.

S/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: April 15, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on April 15, 2010.

S/Denise Goodine

Case Manager